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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN W. KING,

Defendant and Appellant.

B257542

(Los Angeles County
Super. Ct. No. SA086218)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Mark W. Windham, Judge. Affirmed.

Michael Allen, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Kevin W. King pled no contest to a felony charge of petty theft with a prior (Pen. Code, § 666, subd. (a)),¹ and admitted nine prior prison terms (§ 667.5, subd. (b)). The preliminary hearing evidence showed that defendant shoplifted an MP3 player from a Rite Aid Drug Store. The trial court sentenced him to a term of seven years of imprisonment to be served in county jail, awarded 365 days credit, suspended the remaining six years of the sentence, and placed defendant on mandatory supervision (§ 1170, subd. (h)(5)). Defendant appealed and received a certificate of probable cause. Thereafter, following the passage of Proposition 47, the trial granted defendant's petition to have his felony conviction for violating section 666 reduced to a misdemeanor. The court resentenced defendant to time served, terminated mandatory supervision, and terminated the case.

Appellant's counsel on appeal filed a *Wende* brief (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)) requesting that we conduct an independent review of the record. Counsel notified defendant of his right to file a supplemental brief, but no such brief was filed.

We have independently reviewed the record and conclude that there are no arguable issues on appeal. (See *Wende, supra*, 25 Cal.3d at pp. 441-442; see also *Smith v. Robbins* (2000) 528 U.S. 259 [upholding the *Wende* procedure].)

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¹ Further unspecified statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.